

UNITED STATES DISTRICT COURT  
for the  
Western District of New York

RAKIM YANCEY  
Plaintiff

TIMOTHY PANCOE  
BRADLEY PIKE  
CHRISTOPHER KOSCH  
Defendant

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.

COUNTY OF MONROE  
OFFICE OF THE ATTORNEY  
GENERAL  
CIVIL BUREAU  
220 MAY 22 PM 1:14

## SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

TIMOTHY PANCOE, 630 N. CLINTON AVE, ROCHESTER N.Y. 14605  
CHRISTOPHER KOSCH, 630 N. CLINTON AVE, ROCHESTER N.Y. 14605  
BRADLEY PIKE, 185 EXCHANGE ST. ROCHESTER N.Y. 14614

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

RAKIM YANCEY 171B3Q23  
ATTICA CORRECTIONAL FACILITY P.O.BOX  
ATTICA N.Y. 14011-0149 149

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 3/12/20

Signature of Clerk or Deputy Clerk

ROCHESTER  
POLICE DEPARTMENT  
HEADQUARTERS  
2020 MAY 27 AM 10:00

Revised 03/06 WDNY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
(Prisoner Complaint Form)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name And Prisoner Number of Plaintiff: NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.*

1. RAKIM YANCEY 17B3223

2. \_\_\_\_\_

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. TIMOTHY PANCOE

4. \_\_\_\_\_

2. CHRISTOPHER KOSCH

5. \_\_\_\_\_

3. BRADLEY PIKE

6. \_\_\_\_\_

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff: RAKIM YANCEY 17B3223

Present Place of Confinement & Address: ATTICA CORRECTIONAL FACILITY  
P.O. BOX 149, ATTICA, N.Y. 14011

Name and Prisoner Number of Plaintiff: \_\_\_\_\_

Present Place of Confinement & Address: \_\_\_\_\_

CIVIL COVER SHEET  
Case 6:20-cv-06149-EAW Document 2-3 Filed 06/17/20 Page 3 of 9

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

RAKIM LAMAR YANCEY  
17B32Q3  
(b) County of Residence of First Listed Plaintiff MONROE  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS TIMOTHY PANCOE,  
CHRISTOPHER KOSCH,  
BRADLEY PIKE  
County of Residence of First Listed Defendant MONROE  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- |   |   |
|---|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff            | <input checked="" type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party) |
| <input checked="" type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III)   |

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |   |                              |   |   |                            |
|---|---|------------------------------|---|---|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> PTF | <input type="checkbox"/> DEF | <input type="checkbox"/> PTF                                  | <input checked="" type="checkbox"/> DEF |                            |
| Citizen of Another State                | <input type="checkbox"/> 1              | <input type="checkbox"/> 1   | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4              | <input type="checkbox"/> 4 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 2              | <input type="checkbox"/> 2   | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5              | <input type="checkbox"/> 5 |
|   | <input type="checkbox"/> 3              | <input type="checkbox"/> 3   | Foreign Nation  | <input type="checkbox"/> 6              | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability			<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	GOVERNMENT	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee.	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 892 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DJWC/DJWW (405(g))	<input type="checkbox"/> 893 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 894 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities Employment	<input type="checkbox"/> 535 Death Penalty Other:	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities Other	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 896 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 550 Civil Rights 1983		<input type="checkbox"/> 897 Tax Laws
		<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 898 Third Party 26 USC 7609
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
FEDERAL TAX SUITS	IMMIGRATION			
<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 462 Naturalization Application			
<input type="checkbox"/> 871 IRS—Third Party	<input type="checkbox"/> 465 Other Immigration Actions			

## V. ORIGIN (Place an "X" in One Box Only)

- |   |   |  |   |  |  |   |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC SEC 1983 4TH AMENDMENT 8TH AMENDMENT VIOLATION

Brief description of cause:

SUFFERED PHYSICAL AND MENTAL INJURIES DUE TO EXCESSIVE

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,000 CHECK YES only if demanded in complaint:  Yes  No

JURY DEMAND:  Yes  No

## VI. CAUSE OF ACTION

## VII. REQUESTED IN COMPLAINT:

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT #                  AMOUNT                  APPLYING IFFP                  JUDGE                  MAG. JUDGE

**DEFENDANT'S INFORMATION NOTE:** To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: TIMOTHY PANCOE

(If applicable) Official Position of Defendant: ROCHESTER POLICE SERGEANT

(If applicable) Defendant is Sued in  Individual and/or  Official Capacity

Address of Defendant: 630 N. CLINTON AVE, ROCHESTER N.Y.  
14605

Name of Defendant: CHRISTOPHER KOSCH

(If applicable) Official Position of Defendant: ROCHESTER POLICE OFFICER

(If applicable) Defendant is Sued in  Individual and/or  Official Capacity

Address of Defendant: 630 N. CLINTON AVE, ROCHESTER N.Y.  
14605

Name of Defendant: BRADLEY PIKE

(If applicable) Official Position of Defendant: ROCHESTER POLICE OFFICER

(If applicable) Defendant is Sued in  Individual and/or  Official Capacity

Address of Defendant: 185 EXCHANGE ST. ROCHESTER, N.Y.  
14614

#### 4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?  
Yes  No

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket or Index Number: \_\_\_\_\_

4. Name of Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes        No       

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- By court for failure to exhaust administrative remedies;
- By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- By court due to your voluntary withdrawal of claim;

Judgment upon motion or after trial entered for

plaintiff

defendant.

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes        No ✓

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. District Court: \_\_\_\_\_

3. Docket Number: \_\_\_\_\_

4. Name of District or Magistrate Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes        No       

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- By court for failure to exhaust administrative remedies;
- By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- By court due to your voluntary withdrawal of claim;

Judgment upon motion or after trial entered for

- plaintiff
  - defendant.
- 

#### 5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- |                    |                        |                               |
|--------------------|------------------------|-------------------------------|
| • Religion         | • Access to the Courts | • Search & Seizure            |
| • Free Speech      | • False Arrest         | • Malicious Prosecution       |
| • Due Process      | • Excessive Force      | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect   | • Right to Counsel            |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

---

#### Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a person confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

A. FIRST CLAIM: On (date of the incident) MARCH 13<sup>TH</sup>, 2017, defendant (give the name and position held of each defendant involved in this incident) TIMOTHY PANCOE, ROCHESTER POLICE SERGEANT

did the following to me (briefly state what each defendant named above did): SAW MY CAR PARKED WRONGLY AND VERBALLY ACCOSTED ME SAYING "BLACK BOY, MOVE THE FUCKIN' CAR." WHEN I APPROACHED HIM TO ASK WHAT THE RACIST LANGUAGE WAS FOR HE EXITED HIS CAR AND MASED ME IN MY MOUTH, THEN BEAT ME WITH HIS BATON, HE EVEN KICKED ME WHILE I WAS ON THE GROUND

The constitutional basis for this claim under 42 U.S.C. § 1983 is: VIOLATION OF MY 4<sup>TH</sup> AND 8<sup>TH</sup> AMENDMENT, ALSO RACIAL DISCRIMINATION

The relief I am seeking for this claim is (briefly state the relief sought): \$3,000,000, TOTAL, IN COMPENSATORY DAMAGES AND FOR HIM TO BE FIRED FROM HIS JOB AS A POLICE SERGEANT

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim?  Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, what was the result? IT IS STILL IN PROGRESS

Did you appeal that decision? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, what was the result? \_\_\_\_\_

*Attach copies of any documents that indicate that you have exhausted this claim.*

If you did not exhaust your administrative remedies, state why you did not do so: I AM STILL IN THE PROCESS OF PERFECTING MY APPEAL

A. SECOND CLAIM: On (date of the incident) MARCH 13<sup>TH</sup>, 2017, defendant (give the name and position held of each defendant involved in this incident) CHRISTOPHER KOSCH AND BRADLEY PIKE, BOTH ROCHESTER POLICE OFFICERS

did the following to me (briefly state what each defendant named above did): UPON ARRIVING ON THE SCENE PULLED ME FROM THE BACK OF THE POLICE CAR SLAMMED ME TO THE GROUND AND PROCEEDED TO MACE, BEAT AND CHOKE ME, FRACTURING BOTH MY WRIST BOTH THUMBS, INJURING MY BACK, CHIPPING MY TOOTH ON THE PAVEMENT AND MULTIPLE CONTUSIONS AND ABRASIONS REQUIRING HOSPITAL

The constitutional basis for this claim under 42 U.S.C. § 1983 is: CRUEL AND UNUSUAL PUNISHMENT UNDER THE 8TH AMENDMENT

The relief I am seeking for this claim is (briefly state the relief sought): \$2,000,000 IN COMPENSATORY DAMAGES AND THAT THEY ALSO BE FIRED FROM THEIR JOBS AS POLICE OFFICERS

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim?  Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, what was the result?  THE PROCESS IS STILL ONGOING

Did you appeal that decision? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, what was the result? \_\_\_\_\_

*Attach copies of any documents that indicate that you have exhausted this claim.*

If you did not exhaust your administrative remedies, state why you did not do so: \_\_\_\_\_

**If you have additional claims, use the above format and set them out on additional sheets of paper.**

**6. RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

5,000,000 IN COMPENSATORY DAMAGES FOR INJURIES SUSTAINED IN INCIDENT AS WELL AS FOR FUTURE MEDICAL AND PSYCHIATRIC TREATMENT, AND REMOVAL OF DEFENDANTS FROM OFFIC

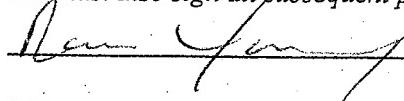
Do you want a jury trial? Yes  No \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2-2-20

(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*



---

Signature(s) of Plaintiff(s)